

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-2657 or (202) 482-5222, respectively.

SUPPLEMENTARY INFORMATION:

Background

Below is a summary of the litigation for the 1989-90 final results for which the CIT and CAFC have issued final and conclusive decisions. It is important to note that, due to the fact that litigation for each TRBs final results was unconsolidated, the CIT issued two or more orders throughout the course of litigation, which required us to recalculate a respondent's final results margin several times. To ensure the accurate calculation of amended final results, any recalculation we performed for a given respondent pursuant to a specific order reflected all recalculations we performed for that respondent pursuant to earlier orders. As a result, the last CIT order requiring a recalculation of a respondent's margin reflects the final amended margin for the respondent, provided that final and conclusive decisions have been made by the CIT and CAFC with respect to litigation which affected the respondent's final results.

On February 11, 1992, we published in the **Federal Register** our notice of the final results of administrative reviews for the 1989-90 period of review (POR). This notice covered the administrative reviews for Koyo Seiko Co., Ltd. (Koyo), NSK Ltd. (NSK), Nachi-Fujikoshi Corporation, and NTN Toyo Bearing Co., Ltd (NTN). Subsequent to the publication of these final results, three respondents "NTN, Koyo, and NSK" and The Timken Company (Timken), the petitioner in this case, challenged certain issues before the CIT. The CIT and CAFC issued final and conclusive decisions with respect to the NSK and Timken litigation; on April 10, 1998, we published in the **Federal Register** our notice of final court decisions and amended final results for NSK. See *1989-90 TRB Final Results* at 17818. The CIT has now issued a final and conclusive decision with respect to the NTN litigation (CIT Ct. Nos. 92-03-00168 and 92-04-00257). We are hereby amending our final results of the 1989-90 administrative review for NTN.

The decisions issued by the CIT and CAFC with respect to the Department's final results for NTN were:

- *NTN v. U.S.*, Slip Ops. 94-200 (December 29, 1994) and 95-1 (January 3, 1995) (The CIT ordered the Department to apply the 10 percent cap for the model match methodology, explain its disregard of NTN's credit

expense calculation methodology, and correct the margin calculation program for errors in the deduction of discounts from home market price for the cost of production test).

- *NTN v. U.S.*, Slip Op. 95-104 (June 7, 1995) (The CIT affirmed the remand results and dismissed the 92-03-00168 and 92-04-00257 litigation).

- *NTN v. U.S.*, Slip Op. 95-1477 and -1479 (July 10, 1996) (The CAFC overturned the CIT on its decision regarding the 10 percent cap for the model match methodology used for the final results for NTN.)

- *NTN v. U.S.*, Slip Ops. 96-150 (August 28, 1996) and 96-151 (August 29, 1996) (In light of the CAFC's decision in Slip Op. 95-1479, the CIT ordered the Department to recalculate the dumping margin for NTN without imposing the 10 percent cap under the 92-03-00168 and 92-04-00257 litigation.)

- *NTN v. U.S.*, Slip Op. 98-90 (June 30, 1998) (The CIT affirmed the remand results and dismissed the 92-03-00168 and 92-04-00257 litigation).

As there are now final and conclusive court decisions with respect to the 92-03-00168 and -04-00257 (NTN) litigation, we are amending our final results of review for NTN based on the last court order which required a recalculation of NTN's rate (*NTN v. U.S.*, CIT Slip Ops. 96-150 and -151). The amended final results margin for NTN is 29.63 percent. We will issue instructions to Customs to liquidate entries of subject merchandise made by NTN during this period pursuant to these amended final results.

Amendment to Final Determinations

Pursuant to 19 U.S.C. 1516(f), we are now amending the final results of the 1989-90 administrative review of the antidumping finding on TRBs from Japan. The weighted-average margin is:

Manufacturer/exporter	Margin (percent)
NTN Toyo Bearing Co., Ltd.	29.63

Accordingly, the Department will determine and Customs will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by the review of the period listed above. The Department will issue appraisal instructions directly to Customs.

Dated: November 22, 1999.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

[FR Doc. 99-31097 Filed 11-29-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-854]

Initiation of Antidumping Duty Investigation: Certain Tin Mill Products From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: November 30, 1999.

FOR FURTHER INFORMATION CONTACT: Samantha Denenberg at (202) 482-1386 or Linda Ludwig at (202) 482-3833, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Initiation of Investigations

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (1998).

The Petition

On October 28, 1999, the Department of Commerce ("the Department") received a petition filed in proper form by Weirton Steel Corporation, Independent Steelworkers Union, and United Steelworkers of America, AFL-CIO (collectively petitioners). The Department received supplemental information to the petition on November 8, 1999.

In accordance with section 732(b) of the Act, petitioners allege that imports of certain tin mill products ("TMP") from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that petitioners filed these petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the antidumping investigation they are requesting the Department to initiate (see *Determination of Industry Support for the Petition* below).

Scope of Investigation

The scope of this investigation includes tin mill flat-rolled products that are coated or plated with tin, chromium or chromium oxides. Flat-rolled steel products coated with tin are known as tin plate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such as scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single- or double-reduced), and whether or not coated with a plastic material.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States ("HTSUS"), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.10.0000, and 7210.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0000 if of alloy steel. Although the subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding

the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.¹

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition. Moreover, petitioners do not offer a definition of domestic like product distinct from the scope of the investigation.

The domestic like product referred to in the petition is the single domestic like product defined in the "Scope of Investigation" section, above. The Department has no basis on the record to find the petition's definition of the domestic like product to be inaccurate. The Department has, therefore, adopted the domestic like product definition set forth in the petition. In this case, the Department has determined that the petition and supplemental information to the petition contain adequate evidence of sufficient industry support (see Attachment to the Initiation Checklist Re: Industry Support, November 17, 1999). Producers and workers supporting the petition represent over 50 percent of total production of the domestic like product. Accordingly, both tests under section 732(c)(4)(A) are satisfied, and the Department determines that this petition is filed on behalf of the domestic industry within the meaning of 732(b)(1) of the Act.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which our decision to initiate this investigation is based. Should the need arise to use any of this information in our preliminary or final determinations for purposes of facts available under

section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

Japan

Petitioners identified Nippon Steel Corporation, NKK Corporation, Kawasaki Steel Corporation, and Toyo Kohan Co. Ltd. as possible exporters of TMP from Japan. Petitioners further identified these exporters as the primary producers of subject merchandise in Japan. Petitioners based export price ("EP") for imports from Japan on import values as recorded in official U.S. Department of Commerce IM-145 statistics. In calculating import values, petitioners used the customs values reported for the HTS categories which represent imports of tin plate (*e.g.*, HTSUS 7210.12.0000) and imports of tin free steel (*e.g.*, HTSUS 7210.50.0000). Petitioners used average customs values for each product (for the month of June 1999) which approximate the FOB price of the merchandise, packaged and ready for delivery in the exporter's country. Petitioners did not deduct foreign inland freight and handling in Japan because they had no information regarding these expenses.

With respect to normal value ("NV"), petitioners stated that the volume of Japanese home market sales was sufficient to form a basis for normal value, pursuant to section 773(a)(1)(C)(ii) of the Act. Petitioners constructed normal values based on the average prices of tin mill products sold in Japan by Nippon Steel Corporation ("Nippon") to large end users during June 1999. Petitioners determined that, because Nippon is the largest producer of the subject merchandise in the Japanese market, Nippon's prices would be representative of the normal value in the Japanese tin mill market. The Japanese home market prices for five sample models of tin plate products and thirteen sample models of tin free steel were obtained by foreign market research consultants in Japan. The prices used in the calculation of NV were delivered, VAT exclusive prices. Petitioners derived NV by deducting a commission from the delivered price, which represents payment made to large trading companies. Petitioners also deducted expenses for freight, handling, and other movement related expenses such as storage during transportation and tolls. For the calculation of dumping margins, petitioners compared the average unit value for all five sample sales of tin plate to the average customs value for the corresponding HTSUS item for the month of June 1999, and the average unit value for all thirteen sample sales of tin free steel to the

¹ See *Algoma Steel Corp. Ltd., v. United States*, 688 F. Supp. 639, 642-44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380-81 (July 16, 1991).

average customs value for the corresponding HTSUS item for the month of June 1999.

The estimated dumping margins in the petition, based on a comparison between Nippon's home market prices and U.S. prices derived from IM-145 statistics, range from 0.78 percent to 95.29 percent.

Fair Value Comparisons

Based on the data provided by petitioners, there is reason to believe that imports of certain tin mill products from Japan are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the imports of the subject merchandise sold at less than fair value. Petitioners explained that the industry's injured condition is evident in the declining trends in net operating profits, net sales volumes, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. The Department assessed the allegations and supporting evidence regarding material injury and causation, and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation (see *Attachments to Initiation Checklist, Re: Material Injury*, November 17, 1999).

Initiation of Antidumping Investigations

Based upon our examination of the petition on TMP and petitioners' supplemental information clarifying the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of certain tin mill products from Japan are being, or are likely to be, sold in the United States at less than fair value. Unless the deadline is extended, we will make our preliminary determination no later than 140 days after the date of publication of this notice.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of Japan. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition (as appropriate).

International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine, by December 13, 1999, whether there is a reasonable indication that imports of certain tin mill products from Japan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 777(i) of the Act.

Dated: November 17, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-333-401]

Final Results of Full Sunset Review and Termination of Suspended Investigation: Cotton Shop Towels From Peru

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of full sunset review and termination of suspended investigation: Cotton shop towels from Peru.

SUMMARY: On July 29, 1999, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the suspended countervailing duty investigation on cotton shop towels from Peru (64 FR 41089) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We did not receive comments from any interested party. As a result of this review, the Department finds that termination of the suspended countervailing duty investigation would not be likely to lead to continuation or recurrence of a countervailable subsidy. Therefore, we are terminating this suspended investigation effective January 1, 2000.

FOR FURTHER INFORMATION CONTACT:

Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

EFFECTIVE DATE: January 1, 2000.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("Sunset Regulations") and in 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin").

Scope

The merchandise subject to this suspended countervailing duty investigation is cotton shop towels from Peru. Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. Shop towels are currently classifiable under item numbers 6307.10.2005 and 6307.10.2015 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive.

Background

On July 29, 1999, the Department issued the *Preliminary Results of Full Sunset Review: Cotton Shop Towels From Peru* (64 FR 41089) ("Preliminary Results"). In our *Preliminary Results*, we found that termination of the suspended countervailing duty investigation would not be likely to result in recurrence of a countervailable subsidy. In addition, we indicated our intent, pursuant to section 782(i)(2) of the Act, to verify the previously unverified information relied on in making our determination. Prior to verification, we invited interested parties to comment on the information to be verified. We received no comments.